

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

FRANCES GREY,

Plaintiff,

v.

Case No: 8:21-cv-596-CEH-TGW

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER**

This matter comes before the Court upon the Unopposed Motion for Entry of Judgment with Remand [Doc. 18], filed by Defendant Commissioner of Social Security on September 28, 2021. Pursuant to sentence four of 42 U.S.C. § 405(g), Defendant requests that the Court reverse and remand the action “to offer the claimant the opportunity for a new hearing, obtain supplemental vocational expert evidence and address and resolve any potential conflicts pursuant to Social Security Ruling 00-4p; and issue a new decision.” *Id.* at pp. 1-2. Having considered the motion and being fully advised in the premises, the Court will **GRANT** the Unopposed Motion for Entry of Judgment with Remand.

**DISCUSSION**

An individual may obtain review of a final decision of the Commissioner of Social Security made after a hearing to which he was a party by filing a complaint in the district court. 42 U.S.C. § 405(g); *Myers v. Sullivan*, 916 F.2d 659, 672 (11th Cir.

1990). According to the fourth sentence of § 405(g), “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” *Id.* “[A] judgment of the district court that reverses the decision of the Commissioner and orders a remand to the [Social Security Administration] is final and appealable under § 1291 when entered under the fourth sentence of § 405(g).” *Crawford & Co. v. Apfel*, 235 F.3d 1298, 1302 (11th Cir. 2000) (citing *Forney v. Apfel*, 524 U.S. 266, 269 (1998)).

The Complaint alleges that the Commissioner’s decision “that Plaintiff is not disabled is not supported by substantial evidence” as “[t]he evidence in the record establishes that Plaintiff suffers from impairments of such severity and duration so as to constitute a disability within the meaning of the Social Security Act.” [Doc. 1 at pp. 2-3]. Plaintiff further requests that “the decision of Defendant be reviewed and set aside” and “that [the] claim for a period of disability, Disability Insurance Benefits and Supplemental Security Income Benefits be allowed.” *Id.* at p. 3. The Commissioner seeks a reversal and remand “to offer the claimant the opportunity for a new hearing, obtain supplemental vocational expert evidence and address and resolve any potential conflicts pursuant to Social Security Ruling 00-4p; and issue a new decision.” [Doc. 18 at p. 2]. Plaintiff does not oppose the relief. *Id.* at p. 1. The Court therefore finds that a reversal of the decision and a remand for further proceedings, pursuant to sentence four of 42 U.S.C. § 405(g), is appropriate.

Accordingly, it is hereby **ORDERED AND ADJUDGED:**

1. The Unopposed Motion for Entry of Judgment with Remand [Doc. 18] is **GRANTED**.
2. The decision of the Commissioner of Social Security is **REVERSED**, and the case is **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).
3. The Clerk is directed to terminate any deadlines and close this case.

**DONE AND ORDERED** in Tampa, Florida on October 7, 2021.



Charlene Edwards Honeywell  
United States District Judge

Copies to:  
Counsel of Record and Unrepresented Parties, if any